

Alexander Cordero
Reg. No. 05119-070
PMB-2000
Talladega, AL. 35160

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALEXANDER CORDERO
Petitioner,
v.
UNITED STATES OF AMERICA,
Respondant.

) Case No: 1:04-cv-11857
)
) Judge: Honorable William G. Young
)
) Date: November 3, 2004
)
) MOTION REQUESTING ISSUANCE FOR A
) CERTIFICATE OF APPEALABILITY
)

Comes Now, the Petitioner, Alexander Cordero, acting in Pro-se
Hereby requests that this Honorable Court issue a Certificate of
Appealability in regards to the above numbered case.

On August 23, 2004 a Motion to Vacate, Set Aside or Correct
Sentence pursuant to 28 U.S.C. Section 2255 was filed in this Court.

On September 29, 2004 an Electronic Order was entered dismissing
the previously filed 2255 Motion. The docket text states that the
Petitioner failed to bring forth issues on direct appeal, the truth
is the Petitioner appealed to the United States Court of Appeals for
the First Circuit, Case No. 03-1967. At this time the United States
Court of Appeals for the First Circuit in Judgement entered April 7,
2004, ordered the Appeal be voluntarily dismissed pursuant to Fed.
R.App.P. 42(b), and advised Petitioner Cordero to pursue relief via
a Motion 2255 (See Attachment).

Pursuant to Rule 22(b) of the Federal Rules of Appellate Proc.,
it is necessary for a certificate of Appealability to be issued
before the Petitioner may appeal to this Honorable Court from the

denial of the previously filed Motion 2255.

In it's Electronic Filing, this Court stated a C.O.A. will be issued on the Blakely issue due to it's unsettled nature.

The question the Petitioner asks is, if the Blakely issue is still unsettled, the how can any Court state it would not be retro-active, as this Court did in it's Electronic Filing?

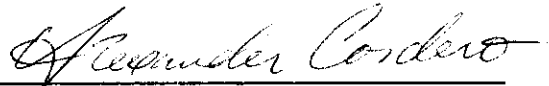
Petitioner basically requests the issuance of the Certificate of Appealability for the reasons stated in the Petitioner's 2255 Motion regarding Blakely.

Petitioner requests instructions as to the procedure one must follow in order to recieve the Certificate of Appealability. Must one submit an Affidavit in Support of Petition for Issuance of certificate of appealability? A Petition for issuance of certificate of appealability?

Petitioner asks the Court these questions as he is not an attorney, nor is he familiar with the rules of the Court.

Dated: November 5, 2004

Respectfully submitted,


Alexander Cordero

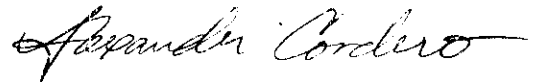
VERIFICATION AND CERTIFICATE OF SERVICE

In the nature of 28 U.S.C. §1746(1), the petitioner, hereby attests to the best of his knowledge the current information and all matters of law and fact as set out above are true and correct. That under the penalty of perjury under the laws of the state wherein this executed, that he has placed 3 true and correct copies of the foregoing in accordance of Houston v. Lack, 487 U.S. 266 (1988), this motion is deemed filed and served as dated, being executed at the Federal Prison Camp - Talladega, PMB - 2000, Talladega, Alabama 35160, by placing it into first class mail, with sufficient postage affixed, prepaid and properly addressed to the following:

John Joseph Moakley
U.S.Courthouse Att; Clek of Courts
1 Courthouse Way
Boston, MA 02210

Dated: November 8, 2004

Respectfully submitted,



Alexander Cordero

ALEXANDER CORDERO